IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8423 of 2005

Between:

Smt.Pitta Venkatamma @ Venkata Laxmi, w/o late Sri Sanjeev Reddy,
r/o Parkal Mandal, Parkal Dist:Warangal.

..... PETITIONER

AND

1 Office of Circle Inspector of Police, Parkal, rep., by Circle Inspector, P.S.,

Parkal,

District:Warangal.
2 State Bank of Hyderabad, Parkal Branch District:Warangal rep., by its Branch

Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus duly declaring the action of the respondents herein in breaking open of my Safe Deposit Locker No.33 standing on my name with the respondent No.2 Bank herein and seizing the valuable articles such as Silver and Gold Articles, F.D.Rs. Special Term Deposits and other papers relating to safe deposits under a seizure panchanama dt.23-8-2004 in Cr.No.5/2004 of P.S.Parkal, as arbitrary, illegal, without jurisdiction and contrary to the provisions of Cr.P.C. and violative of Art.300 of Constitution of India and consequently direct the respondents herein to release the valuables seized under the said panchanama dt.23-8-2004 in Cr.No.5/2004 of P.S.Parkal and handed over the same to the petitioner herein.

Counsel for the Petitioner: MR.VINOD KUMAR DESHPANDE

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: None appeared.

The Court made the following :

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O R D E R:

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The petitioner questions the action of the first respondent in breaking open the Safe Deposit Locker No.33 standing in his name with the 2nd respondent and seizing the valuable articles such as silver, gold, F.D.Rs., Special Term Deposits and other papers relating to safe deposits under a seizure panchanama, dated:23.08.2004 in Cr.No.05/2004 of Police Station, Parkal, as illegal and arbitrary.

It is stated that the complainant filed a private complaint before the Judicial Magistrate of First Class, Parkal alleging that on 17.12.2002 at Mallakkapet shivar while the complainat was working in the field, the petitioner and two others abused in filthy language and beat the bullock belonging to the complainant and threatened to kill with a spade. It is further alleged that the petitioner and others should not ask any share in the property by approaching Taluka Legal Services Authority and Junior Civil Judge's Court at Parkal and further threatened with dire consequences. It is further alleged in the said private complaint that certain incidents have taken place in the year 1964, 1984, 1986 and 2002 and the learned Magistrate referred the matter for investigation under Section 156(3) of Code of Criminal Procedure to the first respondent and the first respondent registered a case in Cr.No.05/2004, dated 03.01.2004 under Sections 290, 323, 5004, 506, 457, 380, 396, 379 read with Sec.34 of I.P.C. against the petitioner and two others. It is stated that during the course of investigation, the first respondent without giving any notice to the petitioner addressed a letter to the second respondent alone with regard to the safe deposit locker of the petitioner expressing his desire to seize the locker belonging to the petitioner and under a cover of panchanama in the presence of second respondent,

the locker was broke open with the help of a machine and made an inventory of the same under a seizure panchanama, dated 23.08.2004.

Admittedly, the police are entitled to investigate the case and the petitioner and others are no way concerned to interfere with the investigation. But, the properties belonging to the petitioner cannot be seizedand detained which were kept in the safe deposit locker. Further no notice was issued directing the petitioner to open the said locker. The learned Senior Counsel Sri C.Padmanabha Reddy appearing for the petitioner submitted that as long as the case is not proved against the petitioner, it cannot be said that the said seized articles do not belong to the petitioner. Admittedly, the locker of the petitioner was broke open and the silver, gold and other safe deposits were seized. The learned Senior Counsel further submits that the petitioner is prepared to produce the seized articles as and when they are required either during the course of investigation or during the course of the trial by the learned Magistrate.

Accordingly, the Writ Petition is disposed of directing the respondents to release the valuables seized under the panchanama, dated 28.03.2004 in Cr.No.5/2004 of Police Station, Parkal under proper acknowledgement after taking the necessary photographs and after taking into account any other particulars subject to the condition that the petitioner shall not alter, change, alienate or transfer in any manner of the said seized articles after handing over to him and produce them as and when required. No costs.

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V.ESWARAIAH, J

Dated:27-04-2005,

Note:

Furnish C.C. within a week.

B/o

CCM

To

1 The Inspector of Police, Parkal, Police Station, Parkal, District:Warangal.
2 The Branch Manager, State Bank of Hyderabad, Parkal Branch

District:Warangal

3 Two CCs to the G.P. for Home, High Court Buildings, A.P.,Hyderabad(OUT)

4 Two CD copies